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INTERIOR DEPARTMENT
APPROPRIATION BILL FOR 1947

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HEARINGS
U. S. CONGRESS, HOUSE OF REPRESENTATIVES
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

SEVENTY-NINTH CONGRESS

SECOND SESSION

ON THE

INTERIOR DEPARTMENT
APPROPRIATION BILL FOR 1947

PART 1

Printed for the use of the Committee on Appropriations

ROBERT P. WILLIAMS, *Administrative Assistant, Editor*



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Mr. DE CASTRO. As far as I know we have all ages, youths and adults, in the asylum.

Mr. JENSEN. That is all, Mr. Chairman.

Mr. JOHNSON of Oklahoma. I believe that is all. Thank you very much.

Mr. DE CASTRO. Thank you. I appreciate the opportunity of appearing, sir.

Mr. JOHNSON of Oklahoma. We are very glad to have you and you will be given the transcript to look over.

EMPLOYMENT OF UNQUALIFIED AND UNNECESSARY PERSONNEL

Do you have anyone on the pay roll who is not actually performing work essential to your activities?

Mr. DE CASTRO. No.

Mr. JOHNSON of Oklahoma. If you were ordered to place someone on your pay roll by the Secretary of the Interior whom you had reason to believe, or even suspected was not qualified to perform the work for which he or she was to be appointed, would you do so without protesting?

Mr. DE CASTRO. I would make a strong protest.

Mr. JOHNSON of Oklahoma. If anyone were placed on your pay roll at the direction of the Secretary of the Interior, or anyone else, and performed no essential work, for which they were paid, would you permit them to remain on your pay roll for 4 years and 11 months or for even a shorter period of time?

Mr. DE CASTRO. I would refuse to certify the pay roll.

MONDAY, MARCH 4, 1946.

BUREAU OF INDIAN AFFAIRS

STATEMENTS OF WILLIAM A. BROPHY, COMMISSIONER; WILLIAM ZIMMERMAN, JR., ASSISTANT COMMISSIONER; JOHN PROVINCE, ASSISTANT COMMISSIONER; PAUL L. FICKINGER, CHIEF ADMINISTRATIVE AND BUDGET OFFICER; GUY C. WILLIAMS, ASSISTANT BUDGET OFFICER; WILLARD W. BEATTY, DIRECTOR OF EDUCATION; HENRY L. NEWMAN, ADMINISTRATIVE ASSISTANT; RALPH B. SNAVELY, DIRECTOR OF HEALTH; HARRY M. CRITCHFIELD, DIRECTOR OF LAND; A. C. COOLEY, DIRECTOR OF EXTENSION; FRED H. DAIKER, DIRECTOR OF WELFARE; LE ROY D. ARNOLD, DIRECTOR OF FORESTRY; ERNEST FORTIER, DIRECTOR OF IRRIGATION; EDWARD POYNTON, DIRECTOR OF CONSTRUCTION; A. L. WATHEN, DIRECTOR OF ENGINEERING BRANCH; E. MORGAN PUPE, DIRECTOR OF ROADS; AND DON C. FOSTER, GENERAL SUPERINTENDENT, ALASKA NATIVE SERVICE

Mr. JOHNSON of Oklahoma. The committee will next consider the items for the Bureau of Indian Affairs. Mr. William A. Brophy, Commissioner of Indian Affairs, is present. Mr. Brophy, do you desire to make a general statement to the committee at this time?

GENERAL STATEMENT

Mr. BROPHY. If I may be permitted to do so; yes, sir.

Mr. Chairman and gentlemen of the committee, when I appeared before this committee last year I had just been appointed and confirmed as Commissioner. Indeed, as I recall, I had not at the commencement of the hearings taken the oath of office.

Now I have had a year during which to study the basic problems of the service and particularly the complex administrative problems that have been criticized by this committee.

Obviously, I am not able to report to you that all of these problems have been solved or that the Indian Office has been reorganized or completely streamlined.

PRESENTATION OF CONSOLIDATED BUDGET

We have made some advances, for with your consent, the Budget is being presented this year to you in a different form, which I hope you will accept. I believe that the fiscal reform proposed is clearer, simpler, and more forthright than the old method. It will give the Congress more adequate information about what we propose to do and on what work we propose to spend the money we request. It is also the first necessary step in any streamlining of the Indian Service.

Secondly, this budget contains a specific item for district offices to replace the former appropriations for the at-large staff. On this item there is a gross reduction of \$160,207, but the statutory within-grade promotions make the net reduction \$143,987.

Mr. JOHNSON of Oklahoma. I wish you would repeat that statement. I am not sure I understood you.

Mr. BROPHY. This budget contains a specific item for district offices to replace the former appropriations for the at-large staff. On this item there is a gross reduction of \$160,207.

Mr. JOHNSON of Oklahoma. A reduction of what?

Mr. BROPHY. A gross reduction of \$160,207, but the statutory within-grade promotions make a net reduction of \$143,987. With the permission of this committee, we are proposing this year to consolidate numerous appropriation items.

Our proposal reduces the number from 73 to 26.

I believe that this proposal has much merit. It will assist us greatly in our job and at the same time will facilitate the review, appraisal and control of our budget by the Congress. Believing that the Congress is interested principally in the nature, cost, and results of any programs we are authorized to carry on rather than in the budgetary methodology employed, we have regrouped expenditures related to a single major activity or item and proposed a single appropriation for this purpose. For example, we propose that all funds heretofore made available for financing the activities of our central office be placed in one item. This year, we are using funds appropriated under 13 different items, and it is difficult even for us to determine readily the total cost, staff required, or the distribution of work. The operation of a central office is certainly a necessary activity. Its cost is a significant element in the evaluation of our work and operations. In our proposal, funds for the operation of the central office are set forth under a single item together with the total staff requirements. This should simplify your analyses of and determination on our esti-

EDUCATION OF INDIAN CHILDREN IN PUBLIC SCHOOLS

I also hoped that we would eliminate some of these Indian schools where it is possible for the children to attend white schools. I wonder if you have done anything in that respect.

Mr. BROPHY. So far as the general policy is concerned, the Indian Service wants to get the children into the public schools. Now, there are many areas where there are not any schools for the children other than for the Indians.

Mr. JENSEN. I realize that fully, but there are a lot of places where certainly these Indian children could attend white schools, and we could save this money that is used for Indian schools in those particular places. Certainly there are a lot of places where that could be done.

Mr. BROPHY. If there are any places like that we should get them into the public schools. The Director of Education has been instructed to that effect for years. That has been the policy over the years. I have discussed it with him and he fully agrees with that position, that the children should go to non-Federal schools wherever it is possible to get them in. It is a very difficult and complex problem to work out. You cannot do it in a year. You cannot do it in 2 years.

Mr. JENSEN. You have to start some time or we will never get it done.

Mr. BROPHY. That is right. The Indian Service has already started it. My recollection is that approximately half of the Indian children are in public schools other than Federal schools, and for that service rendered by the various States, counties, and school districts the Indian Service gets appropriations to pay the tuition. You see, you have the fundamental expense of education. I take it that everybody in the United States agrees that there ought to be public education, and the total cost of doing that has to lay somewhere.

Mr. JENSEN. We should get these children more or less amalgamated with the rest of the citizens so that they will finally say, "Well, we do not want to be wards of the Government any more. We are no different from any other Americans." I think that that is the important thing for them to do—get to the point where they will say, "We want our freedom; we want to be like everybody else in America." The quicker we work toward that end the quicker we are going to be able to emancipate all Indians and do away with the Indian Service. We cannot expect to continue forever with the Indian Bureau. It was in 1492 when Columbus discovered America, and we have still got the Indian wards under Government protection. It just does not make sense. We cannot do it all at once, I realize that.

Here you come in and ask for \$12,000,000 more than you asked for last year. Some of it, as I say, is for construction of things that we have to do. I had hoped that some functions would be eliminated this year and you could bring in a sort of revised set-up to that end. I know that you have been working hard. I know that you have a big job.

Mr. BROPHY. I want to assure you that if I could have come in to this committee and conscientiously laid before you a request for lower funds than we got last year I would have been about the happiest man in the world. I do not like to take a beating on presenting these

increased items. All I can do is to say to you that I have inspected them. I have combed them with a fine comb, and I think it is my duty to present them to you because I think they are necessary.

ACQUISITION OF LAND

Now, with respect to the acquisition of land; that is \$1,000,000 out of this \$12,000,000.

Mr. JENSEN. Where is that land?

Mr. BROPHY. New land to be purchased for the Indians so that they can become more nearly self-supporting.

Mr. JENSEN. You are going to have an awfully hard time selling me on the idea that we should purchase more Indian land. I am going to tell you right now you are going to have to put up a better argument in that respect than I think anybody can put up to convince me that we have to buy more land for the Indians or for anybody else.

Mr. JOHNSON of Oklahoma. For the record, tell us generally where you want to buy this land.

Mr. BROPHY. It would be largely for the acquisition of land which already belongs to the Indians but which is in heirship status. (Discussion off the record.)

Mr. JENSEN. It seems that everytime we have an emergency in this country the only way we can get out of it is to spend a lot of money. When we do that, the first thing we know we are in another emergency. In order to get out of that emergency we have to spend still more money. It is a vicious circle. There is some other way, certainly, to straighten this thing out than to buy up more land. This Government already owns about a fourth of the land in the whole United States and the Indians own more land than they can possibly farm and farm right, or more land than they will ever farm.

I am going to be frank with you and say that I am not ready to spend \$1,000,000 to buy up more land for the Indians when I know that they have more land now than they can possibly till to advantage. So far as I am concerned, you are going to have to find some other way to solve this problem that you just related off the record, other than to purchase more land. You are going to have to find some other method of doing it because there is some other way, certainly.

Mr. BROPHY. I know that you will not make up your minds on this feature until we furnish the details.

Mr. JENSEN. I will be glad to listen to reason. I hope I am still that fair—to listen to argument and reason.

ADEQUACY OF APPROPRIATIONS FOR INDIAN SERVICE

Mr. ZIMMERMAN. Mr. Jensen has raised a point that seems to me to be basic. It has never been fully answered. I do not know if this is the time to do it, but your question regarding continuing requests for increases is a valid one. The basic misunderstanding is this, I think: You assume that at some time the Indian Service had an adequate appropriation to do a 100-percent job. If you take the figures for which we have asked, which will show the number of Indians who have received direct benefits, I think you will be in a position to appraise the percentage of the job that has been done currently.

indicates that losses will be less than 3 percent of the total loan volume. This potential loss on individual loans will in part fall on the tribes and cooperative associations, which are relending to individuals the money they borrowed from the United States; in other part the capital fund will be protected against these losses by the small carrying charge which so far has produced \$196,000.

The good repayment record of the revolving-loan fund has been due in part to the exceptionally good economic and weather conditions of the past 6 years. If there should be a collapse of farm and livestock prices and a recurrence of drouth conditions, much heavier losses are to be expected, though every possible precaution is being taken to anticipate such conditions and make only sound loans. The effort to speed up repayments in advance of maturity while farm prices are high, the necessary follow-up on the weaker loans depend for success on the availability of sufficient experienced extension personnel to keep in constant touch with the loan clients.

Additional and complete information is to be accumulated from the field records. This will be furnished to the committee as soon as possible.

SECURITY REQUIRED FOR LOANS

Mr. JENSEN. Mr. Chairman, in connection with this matter I would like to ask this question: When you make a loan to an Indian under this program, do you ask for security, collateral?

Mr. CRITCHFIELD. All possible security.

We ask for whatever security that is available up to an adequate amount.

Mr. JENSEN. When you find that it is necessary to renew a loan do you ask for additional security?

Mr. COOLEY. Yes, we do.

Mr. ZIMMERMAN. Sometimes, we cannot get it of course.

Mr. JENSEN. But you try to get additional security so that it does warrant carrying that loan or extending the loan?

Mr. ZIMMERMAN. I did not want to repeat, but bear in mind most of these people have no collateral at the time these loans are made other than the goods and chattels.

Mr. JENSEN. But you do get all the security you can.

Mr. ZIMMERMAN. Yes. And those mortgages are recorded.

Mr. JENSEN. And then if it is necessary to extend the loan, if he has additional property you try to get that additional security?

Mr. ZIMMERMAN. Yes. But the main purpose of these loans is rehabilitation.

Mr. JENSEN. I understand that very well.

Mr. FICKINGER. Mr. Chairman, I would like to explain, if I may—I may have given a wrong impression in connection with the language when I spoke of loans made to individual Indians or Indian associations. I find that it is merely a change in the location of the words. That language has been in the bill in previous years and it is merely a change in its location. It is not new language as such.

SUPPRESSING CONTAGIOUS DISEASES AMONG LIVESTOCK

Mr. JOHNSON of Oklahoma. I think the committee knows what your problem is and we have been in favor of it in the past.

I think we would like to know what progress has been made, if any, in connection with this program.

Mr. COOLEY. Our program in concluding the disease work has been delayed, it has not gone forward as fast as we planned. Part of the delay has been due to weather conditions. When we had rain the water holes filled up, scattering the horses and making it impossible

round up a large percentage. The man-power shortage also interfered. According to the report I have from the Department of Agriculture, we should be able to finish up this work this year.

On page 12 it shows there the number of horses that have been tested up to date. We tested 45,000 head of horses, and there have been 189 reactors.

Mr. JOHNSON of Oklahoma. That is a very good record, is it not?

Mr. COOLEY. We think it is, Mr. Johnson.

Mr. JOHNSON of Oklahoma. I think we only had 22 last year, which I believe is the lowest of any year.

Mr. COOLEY. That is correct.

Mr. JOHNSON of Oklahoma. Since you began the program.

Mr. COOLEY. Yes.

Mr. JOHNSON of Oklahoma. I think last year you told us that you hoped to clean up entirely. What is your suggestion now, another year?

Mr. COOLEY. That is what we are asking for, that this appropriation be continued another year. Since July, I am informed by the Department of Agriculture, that they have tested 600 head of horses and found no reactors.

Mr. JOHNSON of Oklahoma. As I understand, you are just asking to continue the unexpended balance.

Mr. COOLEY. That is right.

Mr. JOHNSON of Oklahoma. If there are no questions we will turn to the next one.

ACQUISITION OF LANDS FOR INDIAN TRIBES

Mr. JOHNSON of Oklahoma. The next item is for the acquisition of lands for Indian tribes, for which your estimate is \$1,000,000. Where do you expect to spend this money, and how much land do you expect to purchase?

Mr. FICKINGER. Mr. Chairman, Mr. Critchfield, Director of the Land Division, is present, and with your permission he will testify.

GENERAL STATEMENT

Mr. CRITCHFIELD. As stated in the previous testimony, Indians are making progress. They are using more and more land, but this heirship situation, the complicated ownership of the land through heirship, is seriously interfering with Indian land use. In fact, this situation is interfering with Indian land use more than any other factor at this time.

It is proposed to use the major portion of the fund in this item to acquire lands that are now in Indian ownership and not on the tax rolls.

Mr. JOHNSON of Oklahoma. All of it?

Mr. CRITCHFIELD. Most of it. It is intended to use some of the money to acquire lands for Indians who are very low in the scale, Indians who cannot become self-supporting without being provided with land.

It is proposed to use the major portion of the funds in this item to acquire lands that are now in Indian ownership and not on the tax rolls. These lands are owned by numerous heirs. The bulk

of the lands was allotted to individuals 50 years or more ago. When the allottees and their heirs died, fractionation of the ownership took place. Heirs commonly acquired minute fractional interests in many tracts. These small interests were of little or no economic value to the owners. As the number of heirs increased the problem of use by the Indians increased. The cost to the Government of administering the land became greater year after year.

At the present time there are about 50,000 allotments in heirship status, and about 5 heirs to each allotment. About 2,000 allotments pass into heirship each year. The ownership of those now in that status is becoming more and more divided. The administrative problem is growing in complexity and the heirship situation is interfering with Indian land use more than any other factor. To postpone action merely aggravates the problem and increases the expense of Indian administration to the taxpayers.

As a means of overcoming the difficulties, a number of methods have been developed. Tribes which had funds used tribal money to purchase some of the most complicated tracts, and assigned the land to individual members or groups. But in the absence of sufficient money to acquire all of the land complicated by heirship for the tribes, the principal method has been a process which includes the transfer of inherited interests to the tribe for certain compensation, such as a life assignment of land equal in value to that conveyed to the tribe.

This method has been successful wherever it has been possible to use it. But many tribes do not have usable farm or grazing land units to exchange for inherited interests. It is for this purpose of providing these tribes with land to start the process of solving the problem that the major part of the funds is requested.

On some reservations the Indians have advanced economically to the point where they can pay for the land or for the use of the land. In such cases loans will be made to the tribes or its members. On other reservations the use of Federal gratuity funds is the only solution as the individual holding will be too small to earn the repayment of a loan. On a number of reservations the joint use of loan and Federal funds is possible. While the bulk of the funds would be used to acquire Indian lands in connection with the heirship problem, on some reservations there is such an inadequacy of land that the Indians cannot make any progress toward self-support. Among the groups which need land are the Turtle Mountain Indians in North Dakota; Choctaw, of Mississippi; Chippewa, and Cree Indians, in Montana; Sisseton Indians in South Dakota; and several groups in Nevada.

On certain reservations, to make it possible for Indians to use their lands themselves, key tracts with water and shelter should be purchased. Those tracts passed from Indian ownership. Indians often are prevented from the use of grazing areas because the tracts containing water and shelter are alienated. Some of the funds should be used on reservations with inadequate land bases for the purchase of land or inherited interests from Indians who have permanently moved from the reservation and established themselves elsewhere.

The principal purpose of this appropriation is to promote the exchange and consolidation of land into usable units so that the land can be used by the Indians.

Mr. JOHNSON of Oklahoma. All told, how much land would you take off the tax rolls?

PURCHASE INDIAN LAND TO CONSOLIDATE OWNERSHIP

Mr. CRITCHFIELD. I would say that we probably could buy with \$1,000,000 about 80,000 or 90,000 acres of land, but my guess is that only a small part of that land would be off the tax rolls. The bulk of the lands which we hope to purchase were allotted to individuals 40, 50, and 60 years ago. When the allottees died and the heirs died the ownership of the land became subdivided, until the heirs or the living Indians today have small, minute, fractionated interests.

In this heirship process they may have acquired small interests in a number of tracts. To illustrate what happens to these lands I have some charts here which show the effect of heirship over a period of 40 years [indicating].

On this side of the page [indicating] is one allotment, and this is the ownership at the end of 40 years. If a member of a tribe had a number of those fractionated interests they would be of practically no economic value to him.

Mr. JENSEN. Is it your purpose to purchase these lands which are divided in such small, fractional amounts? And then what will you do with the land?

Mr. CRITCHFIELD. The lands will be turned over to the tribes, and the tribes in turn will trade with the heirs, granting them a life assignment to an economic unit for scattered interests of about equal value. The real purpose is to provide many of these tribes who do not have their own funds with a land basis so they can carry on a broader program of exchanging land, so as to get away from this heirship problem.

A number of methods have been worked out in the past year to bring about the consolidation of these scattered small interests. One is to provide money for an Indian to buy out other heirs and farm the land, or to rent the land from other heirs. On the other hand, Indians have not acquired ability to pay much rent.

Mr. JENSEN. Who appraises this land?

Mr. CRITCHFIELD. Who appraises this land?

Mr. JENSEN. Yes.

Mr. CRITCHFIELD. We have experienced appraisers in the Indian Service.

Mr. JENSEN. I believe you said 80,000 or 90,000 acres.

Mr. CRITCHFIELD. Yes.

Mr. JENSEN. That is \$11 or \$12 an acre.

Mr. CRITCHFIELD. Yes. Of course much of this land will be grazing land of rather low value, \$3, \$4, \$5 an acre.

Mr. JENSEN. Is there some other method that can be worked out whereby the Federal Government does not have to purchase more land? We have such a lot of it now taken off the tax rolls, if we keep on purchasing land it will not be long until the Government will own all the land.

Mr. CRITCHFIELD. We intend to use the largest part of the land for the acquisition of land that is not on the tax roll. We are proposing what we think is one of the cheapest ways of making land available for Indian use, land which usually is leased out.

Mr. JENSEN. Well, can individuals not go in and buy this land up?
 Mr. CRITCHFIELD. That is being done in some cases. Generally it is pretty difficult for the Indians to get together and do that. This chart shows what is being done on a number of reservations [indicating]. This Indian conveys his numerous small interests for a life interest assignment of equal value in one usable tract of tribal land.

Mr. JENSEN. Where?

Mr. CRITCHFIELD. On the same reservation.

In that type of exchange it is necessary for the tribe to have a nucleus of land to carry on that process.

Mr. JENSEN. So you propose to go some place else, some other section of the Indian territory to acquire land for these folks to move on to?

Mr. CRITCHFIELD. No; this man is right in his own community. It happens that the assignment in this case includes some of the land he owned originally [indicating].

Mr. JENSEN. It shows that same reservation?

Mr. CRITCHFIELD. Yes. It is simply grouping these small undivided interests into blocks of land that are usable by a family.

What we are proposing to do is to provide a nucleus of land for such a program. We think we will get more return through this plan of solving the heirship problem than through any other plan.

We say the bulk of the money is to acquire land already in Indian ownership to be used to consolidate Indian small undivided interests.

Now, we also say some of the money is to be used for the purchase of land from Indians who have no desire to convey their interests to the tribe—

Mr. JENSEN. I understand now.

Mr. CRITCHFIELD. Then we recommend that some of the funds be used to acquire key tracts, some of which have passed out of Indian ownership.

Often Indians are unable to use grazing units because the best lands, lands with water on them, have passed out of Indian ownership. If that water site is acquired then they can use the grazing unit.

So it is proposed to spend some of the money for that purpose.

Mr. JENSEN. You say this condition exists. You have just explained about these fractional, small ownerships, on a number of different reservations. Where were those places again that you mentioned?

Mr. CRITCHFIELD. Those that I mentioned, where we recommend that appropriation be made to purchase land for Indians—were low on the economic level and cannot be rehabilitated unless we provide some land to start them on—are the Turtle Mountain Indians in North Dakota, Choctaw of Mississippi, Chippewa and Cree Indians in Montana, Sisseton Indians in South Dakota, and several groups in Nevada.

There are certain groups also in Wisconsin for whom we recommend the purchase of land.

The bulk of this money, however, we believe should be used in solving the heirship problem, because that is the most acute.

Mr. JENSEN. Now, do you think this \$1,000,000 will solve this problem in the territories mentioned? And you have comparable problems on other reservations?

Mr. CRITCHFIELD. Well, the \$1,000,000 is not going to solve the land problem of all the Indians in the United States.

Mr. JENSEN. I mean, relative to that particular situation.

Mr. CRITCHFIELD. I do not think it will solve the land problems completely, but it will give a number of tribes a good start in that direction.

Mr. JENSEN. Then, according to your testimony, we start doing this for these tribes. And before we know, we may be asked to appropriate many, many times more than the \$1,000,000. And consequently we will acquire more land, hundreds of thousands of acres more land, on top of what the Federal Government already owns.

But I am glad to have your explanation of it.

Mr. ZIMMERMAN. May I add two points? One is that the basic act authorizing this appropriation authorized an annual expenditure of \$2,000,000.

I am not sure that that was clear.

Then, as to the acquisition of these lands, even if some of them are taken off the tax rolls, I would like to make this comment—that during the last 50 years, when the policy of the Government was exactly the opposite to what it is now, when Indian lands were being sold, vast acreages of Indian lands were removed from the nontax status and became taxable.

The repurchase will never catch up with the total lost over the past 50 years.

Mr. JENSEN. Now, let us get this record straight. Do you mean that you already have \$2,000,000 annually that you could spend for the purchase of lands for the Indians? Did you not say that?

Mr. ZIMMERMAN. No, sir. We merely have a statute authorizing an appropriation of \$2,000,000 a year.

Mr. NORRELL. As a matter of fact, you have never had that appropriation, though.

Mr. ZIMMERMAN. We never had it.

Mr. NORRELL. For 1940 you had \$650,000; in 1941, 1942, and 1943, you had \$325,000 per year.

Then it was stopped, and you have had no money since then.

Mr. ZIMMERMAN. That is right. We have had no money for purchases during the war.

Mr. NORRELL. Do you have any further questions?

Mr. JENSEN. No.

Mr. NORRELL. Now, I believe this is an item that was not carried on the bill during the war.

Mr. CRITCHFIELD. That is right.

Mr. FICKINGER. That is right.

Mr. NORRELL. You are attempting now to restore it to the bill.

NUMBER OF INDIAN FARM FAMILIES

How many Indians, all told, or Indian families, own lands? Just approximately. You may not be able to give it to me accurately.

Can you give me a good guess?

Mr. CRITCHFIELD. About 60,000 families, altogether.

Mr. COOLEY. About 60,000, altogether.

Mr. CRITCHFIELD. Sixty thousand families on Indian reservations. Not all of those are farming, of course.

Mr. NORRELL. How many farm families would you have now?

Mr. CRITCHFIELD. I do not have that figure. I think Mr. Cooley may have that figure.

Mr. NORRELL. You would not like to guess? You can furnish that.

Mr. CRITCHFIELD. We will put it in the record.

Mr. NORRELL. You would not like to make a statement about it now, but you can put it in the record.

Mr. CRITCHFIELD. Yes.

Mr. NORRELL. All right.

Mr. CRITCHFIELD. There are approximately 32,000 Indian farm families. This figure includes farmers, stockmen, and gardeners.

TOTAL ACREAGE OF INDIAN LANDS

Mr. NORRELL. Now, can you give me the total number of acres of land that you have charge of for the Indians?

Mr. CRITCHFIELD. 56,000,000 acres.

Mr. NORRELL. 56,000,000.

Mr. CRITCHFIELD. Yes.

Mr. NORRELL. How many more acres do you think you need in order to have a land program sufficient for them?

Mr. CRITCHFIELD. That is a pretty hard question to answer. We have the report of the National Resources Board. They recommend, I believe, \$52,000,000 worth of land as urgently needed.

I think conditions have changed materially since that time, 1934, and that more Indians are leaving the reservations to go out into commercial activities.

Mr. NORRELL. Is that not what we are working toward, to get them to do that?

Mr. CRITCHFIELD. That is correct.

Mr. NORRELL. It is one way of rehabilitating the Indians.

Mr. CRITCHFIELD. That is correct. But we have situations such as that in Turtle Mountain, N. Dak., in which 5,000 Indians are dependent upon two townships of rather low-grade land.

STATEMENT OF INDIAN LAND HOLDINGS AND NEEDS

Mr. NORRELL. Would you make an estimate of the total cost it would take to buy the land that you think you need for their benefit and use?

Mr. CRITCHFIELD. I think we could give you a fair estimate of the amount of land and place it in the record.

Mr. NORRELL. Then I wish you would do that, and the number of farm families that you have now, and the exact number of acres that you have under your control at this time.

Mr. CRITCHFIELD. All right.

(The information follows:)

STATEMENT OF INDIAN LANDHOLDINGS AND NEEDS

Approximately 55,000 Indian families live in their home communities on the reservations. Alaska natives are not included in this figure. About 45,000 Indian families depend upon land in one form or another. The amount of land available per family varies widely. It ranges from 5 or 10 irrigated acres per family on several reservations to 160 acres of farm land plus 1,500 acres of grazing land on the land-richest reservation. On the Navajo Reservation an average of 1,500

acres is available for each of the 10,000 families, but this is grazing land of such poor quality that 1,500 acres will not support more than 40 sheep and 2 horses. On the Turtle Mountain Reservation in North Dakota the average amount of a rather poor grade of land per family is less than 50 acres; the minimum economic farm unit in this area is 320 acres.

On many of the allotted reservations, especially of the Great Plains, there is enough land in Indian ownership to give all Indian farm families enough land to make a subsistence living—if the allotments broken up into numerous small inherited interests could be put together again. The appropriation is asked principally in order to facilitate this process of recreating usable tracts of farm and ranch land out of these scattered fractional interests.

Total lands under the jurisdiction of the Indian Office comprise 56,575,000 acres. Of this total, only 3,208,500 acres are classified as farm land. Open grazing lands comprise 32,800,000 acres. This figure includes about 25,000,000 acres of semi-arid and arid range on which 60 to 150 acres are needed to support one cow. Almost 3,000,000 acres are barren wastelands without any production capacity. Of the balance, 17,000,000 acres are timber and wood land, with about 7,000,000 acres containing commercial timber; the 10,000,000 acres of open woodland are principally used for grazing.

In the semiarid country the deficiency in the Indian land base can be partly remedied by providing irrigation facilities, thus vastly increasing the productivity of Indian lands. In the Great Plains area, however, additional land should be supplied on a number of reservations mentioned in the justification. On others the process of consolidating the fractionated inherited lands will in large part satisfy the needs. However, there are large numbers of completely landless Indians in various States who in the past constituted a serious rural relief problem, and who will again be such a problem when the war-created employment opportunities shrink.

The principal justification for rebuilding the Indian land base arises from the fact that the trustee, the Federal Government, in the past 60 years, encouraged Indians to part with too much of their trust land, especially in the Great Plains area. The following table shows Indian landholdings in certain States in 1881 and in 1940:

Land under jurisdiction of Indian Office

| State | 1881 | 1940 | State | 1881 | 1940 |
|-----------------|------------|-----------|-------------------|-------------|------------|
| | Acres | Acres | | Acres | Acres |
| Colorado..... | 12,467,200 | 666,533 | North Dakota..... | 15,861,120 | 1,036,292 |
| Kansas..... | 137,747 | 35,678 | Oklahoma..... | 41,100,915 | 2,844,431 |
| Minnesota..... | 5,026,447 | 652,746 | South Dakota..... | 38,616,448 | 5,864,604 |
| Montana..... | 29,356,800 | 6,454,953 | | | |
| Nebraska..... | 436,252 | 75,958 | Total..... | 138,231,660 | 24,338,369 |
| New Mexico..... | 7,228,731 | 5,707,174 | | | |

¹ As of 1890.

In these nine States the Indians were allowed by the Federal Government to dispose of 82½ percent of their land in about a generation. Had the alienation been held down to 75 percent of the 1881 total the Indians would now have about ten million acres more than their present holdings, and amount probably sufficient to take care of their land needs in these nine States.

The land needs of the Indians were investigated in 1934 by the National Resources Board. After considering the economic condition of the Indians, reservation by reservation, the report (pt. II, ch. VI, sec. III) recommends as "urgently needed" the acquisition for Indian use of 9,700,000 acres with an estimated value of about \$50,000,000. Under "urgently needed" the report included "the lands required to permit all Indians—including enrolled and un-enrolled landless individuals and bands, and individuals and tribes with insufficient land—to reach a mere subsistence level above the verge of starvation and the dole." The estimate of this "urgently needed" land included about 713,000 acres of agricultural land valued at about \$20,000,000, 1934 values, 7,200,000 acres of range land at \$21,500,000, and 1,800,000 acres of forest and cut-over lands at \$8,500,000.

In order to raise the Indians above the subsistence level to the living standards of their rural white neighbors the report suggested making available for Indian use another 14,000,000 acres of grazing land plus 1,800,000 acres of

farming and cut-over lands. The report also suggested that part of the land needs could be met by making so-called submarginal lands, parts of the public domain and of national forests available for Indian use.

To meet the "urgent needs" described in the report, the Indian Office has had total appropriations for land acquisition aggregating \$5,075,000 since 1935. With this fund there were acquired 391,000 acres of land. Also made available for Indian use were about 600,000 acres of "submarginal" lands and approximately 1,250,000 acres of public domain grazing lands. Restored to Indian ownership and use were about 1,800,000 acres of Indian ceded surplus lands, practically all grazing lands. With funds of their own, various Indian tribes acquired about 350,000 acres at a cost of over \$2,000,000. Thus, about half of the urgently needed acreage was supplied in 12 years at a cost to the Federal Government not in excess of \$7,500,000.

Future costs to the Government and the amount of land to be removed from the tax rolls depend on several factors. The most important of these factors is the availability of jobs for Indians in general industry. During the war more than 40,000 adult Indians made their living away from their home communities. Other thousands of families were supported by the dependents' allotments of members of the armed forces. If Indians can maintain themselves through outside jobs, the pressure of the Indian population on reservation resources will be diminished. To the degree that Indians are accepted in outside jobs or rehabilitated in nonreservation business and farming enterprises, the need for spending Federal money for land purchases and the removal of land from the tax rolls will decrease.

Another factor affecting the Indian land program is the rate at which land now in Federal ownership can be made available for Indian use. Even though title is in the United States, all of the public lands are in use now. To make them available for Indian use, the purchase of base property and compensation to the present users is necessary.

The third factor affecting the program is the rate at which tribal funds will be available and authorized for land purchases. Indians are becoming land-conscious. More tribes which have funds are applying for authority to reinvest them in land and productive enterprises instead of distributing the funds in cash payments. Other tribes and individuals are asking for loans for land purchases.

These factors tend to diminish the demands on the Federal Government for the Indian land program, but there still remains an irreducible minimum. Scores of tribes and thousands of individual Indians have no resources at all and no basis upon which credit could be extended for land purchases. An estimate of their future needs is most difficult in view of the variability of the factors previously mentioned, and in view of the changing land values. However, basing the estimate on the experience of the past 10 years, it should be possible to supply the minimum land needs of 60 percent of the present Indian population, by making available to this fraction an additional 800,000 acres of farm land and about 12,000,000 acres of grazing and woodland.

Part of the farm land can be made productive by supplying present Indian lands with irrigation facilities and will therefore not be removed from the tax rolls. In the case of the grazing and woodland, the cost depends on the quantity of this kind of land that is in public ownership and can be made available for Indian use by the purchase of the base properties.

On the basis of past experience it will probably be desirable to purchase about 500,000 acres of farm land and 7,000,000 acres of grazing lands. These purchases could probably be financed to the extent of 40 percent out of Indian tribal and individual funds, leaving 60 percent to be carried by the Federal Government. The cost to the Government would depend upon the value of the land at the time of purchase but should not exceed an average of \$20 an acre for farm, and \$3.50 an acre for grazing land.

QUALITY OF INDIAN LANDS

Mr. BROPHY. May I comment, Mr. Chairman, that the acreage stated as being under the jurisdiction of the Indian Service is largely, and for the most part, grazing land, and much of it is like a desert.

I have in mind the Navajo Reservation. There the land will not support the people who are on it.

just wanted to make clear that much of the land is very poor.

Mr. NORRELL. Are you not buying some land that will not support the Indians. Land out there is not like the land we have down in Arkansas, you know.

Mr. BROPHY. That is absolutely correct, Mr. Chairman. If we had anything close to 55,000,000 acres of good Arkansas land we should be asking for a penny for anything in the way of rehabilitation.

Mr. JENSEN. Do you not think, Mr. Brophy, that instead of spending all this money for additional land—I believe you said that the National Resources Board recommended that you buy \$52,000,000 worth of additional land for the Indians.

Mr. CRITCHFIELD. That is correct. Is it not, Mr. Zimmerman?

Mr. ZIMMERMAN. I think that is about right.

NEED FOR BUILDING UP OF INDIAN LANDS

Mr. JENSEN. Now, getting back to the soil conservation question—Mr. Brophy, getting back to the soil conservation question now: The National Resources Planning Board as I understand recommended that we spend \$52,000,000 to purchase more land.

How many acres have we now in the Indian reservations?

Mr. BROPHY. It is something like 55,000,000.

Mr. JENSEN. 55,000,000 acres. All right. Now, if you would spend a tenth of \$52,000,000 to buy, to purchase fertilizer, nitrates, and then practice soil conservation on a million acres of that land, of that 55,000,000 acres, you could in a few years raise more crops and graze more cattle on that million acres than you can on all the 55,000,000 acres of land that is in the Indian reservations.

Mr. BROPHY. If we had the good black land that you have in Iowa, that is correct, but the Indians do not have that kind of good land.

Mr. JENSEN. Oh, now, I have seen land, and you have it right down there in New Mexico, I have seen land that 15 or 20 years ago they did not think was—it would not have sold for a dollar an acre. And they have built that land up now to where I would like to go down there and buy it for \$25 an acre or \$50 an acre; a lot of it. In your conservancy district there. I will bet that land will sell today for more than \$55 an acre average, will it not?

Mr. BROPHY. Yes, sir.

Mr. JENSEN. Absolutely. And before they started that moisture and water, that soil-and-moisture-conservation program you could not give it away.

Mr. BROPHY. We used to say if you do not drain you are going to drown.

Mr. JENSEN. That is right. Now, then, it is just as silly as can be, gentlemen, to buy more land when you can take a lot and there is a lot of land that can be handled in such a way, this poor land you speak of in this 55,000,000 acres that can be brought into productivity and in a very few years a million acres of it will produce more, and support more families, than you are supporting today on that 55,000,000 acres.

And I know that is a fair statement. And it would take a lot less than \$52,000,000 which the National Resources Planning Board is recommending.

Mr. CRITCHFIELD. I believe we could go a long way in helping the Indians become self-supporting on that 55,000,000 acres if it were evenly divided. But many of these people are landless.

You would have a time convincing the Fort Peck Indians in Montana they ought to let the Sisseton Indians in South Dakota use their land.

Mr. JENSEN. It can be brought into productivity by the scientific methods we have today and one-tenth of the land will give a much better living if proper methods are pursued.

I cannot get this idea into my head at all that we have to buy all this land when it is not necessary.

I have seen land in my own State of Iowa and we have land right in the State of Iowa—I saw that land, a lot of it, just almost go to rack and ruin until we got our soil-conservation-service program in action. And much of that land which was almost worn out and was almost worthless is now some of the finest land in the State of Iowa.

And fine buildings on it now, good buildings; and the people are happy because the land is again fertile. And it does not take any million acres of land to support a few families.

That does not make sense to me, gentlemen.

Mr. BROPHY. Mr. Chairman, Mr. Jensen, with part of the statement you just made I fully agree. We should try our utmost to make these lands more fruitful, to use every soil-conservation practice that we can, to develop every irrigated area that we can. That will alleviate the problem somewhat.

And this year we are asking for certain funds to enable us to investigate the utilization of water in some of the barren areas.

Because, truly, if we could get by with less land we would not want it. It would be a burden.

Mr. JENSEN. Well, Mr. Brophy, I am just as sure that you can as that I am sitting here. And if in each Indian reservation you would set aside the best land that you have and say "Now, we are going to bring that land up to full productive capacity by the scientific methods and by the common-sense methods that we are employing today all over this Nation in the Soil Conservation Service"—and I know that you can take land, soil, that needs certain elements put into it; and we know what those elements are today, and we have them—there are commercial fertilizers and your contouring program, and your gully program and your water conservation program; and it would not be too many years until those barren acres, those acres that are now so barren, will be a blooming paradise almost.

I have seen it done. All over. They are doing it all over.

PROBLEM OF ADMINISTERING FRACTIONATED HEIRSHIP LAND

Mr. BROPHY. I have seen it myself, Mr. Jensen, in certain areas. And still the soil-conservation practice does not get us around this fractionated heirship land which is so troublesome. It is costing us money to administer those areas, to make leases on them, take care of the income. Here you have one piece of land with numberless interests in it, and it is a situation where legalism prevents practical use of land.

The Indians did not do that themselves. The United States Government segregated this land and kept it in trust.

The first beneficiary died and left certain heirs; then they died and left certain heirs; until you come to a piece of land that has a large number of owners, each one has a minute fraction in it, and a minute fraction in another piece.

Mr. JENSEN. All right. I think the practical way out of it and the common-sense way out of it is this: Put that land up for sale, give the Indians the preference in purchase; and let the Indians, the individual Indians, come in there and buy that land, or anybody else that wants to buy it, and then divide the money up according to each Indian's particular interest in it; instead of us investing this and buying more land which certainly we do not need.

Now, is there any reason why that cannot be done?

Mr. BROPHY. It could be done if the law were made that way, Mr. Jensen. But it is my judgment that if that were done you would have in a few years on relief rolls the very people whose land we sold.

It is largely a question of judging which is going to be the cheapest and the most practical and the most humane method of handling the problem.

Mr. CRITCHFIELD. We are concerned with what to do about the Sisseton Indians where so many of the people are living around those little towns in hovels, in dirty holes.

Many of them have inherited interests on land and would be delighted to get on land if the tenure could be straightened out.

Mr. DWORSHAK. Why do you consider, Mr. Commissioner, that it is now necessary to acquire so much additional land? For the purpose of augmenting reservation areas?

Mr. BROPHY. Partially that and partially to put them in ownership where they can rehabilitate themselves.

Mr. DWORSHAK. Does that condition apply in South Dakota? I observe that you have so much of this proposed in South Dakota.

What do you call that heirship?

Mr. BROPHY. Fractionated heirship.

Mr. DWORSHAK. Fractionated heirship. I know what it means. I did not know that that applied in South Dakota.

Mr. BROPHY. It is a tremendously harassing problem in South Dakota, because there the land is largely allotted.

Mr. DWORSHAK. I did not know that. I knew about it in Oklahoma, but you do have it in that area too?

Mr. BROPHY. Yes.

Mr. DWORSHAK. That is all, Mr. Chairman.

RECOMMENDATION OF NATIONAL RESOURCES BOARD IN 1937

Mr. NORRELL. Before we leave that item I want to get in the record at this point what appears to be in the department appropriation bill for 1937. On page 774 with reference to the land program there was a break-down I think of what the National Resources Board had recommended, and at that time we were advised that the urgently needed land was 9,519,162 acres.

Since then we have had an annual purchase to a limited extent.

Those States, I notice too, are some of them in the West, where we have had a lot of criticism about the land the Government was buying. Also this may not be a very good time to buy land. Things are rather inflated now.